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VAN DYKE GARDNER LINN AND BURKHART LLP  
2851 CHARLEVOIX DR SE  
PO BOX 888695  
GRAND RAPIDS MI 49588-8695

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**MAY 19 2005**

**OFFICE OF PETITIONS**

In re Application of :  
David G. Hees :  
Application No. 10/801,025 : **DECISION GRANTING PETITION**  
Filed: March 15, 2004 :  
Attorney Docket No. KEN02 P-101 :

This is a decision on the "PETITION TO THE NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION", filed November 22, 2004, which is being treated as a petition under 37 C.F.R. § 1.53 to accord the above-identified application a filing date of March 15, 2004, with pages 1 and 2 of the specification as part of the original disclosure.

The petition is **GRANTED**.

Application papers in the above-identified application were filed on March 15, 2004. However, on September 20, 2004, the Initial Patent Examination Division mailed applicants a "Notice of notified the application papers had been accorded a filing date of March 15, 2004; however, page 1 and 2 of the specification appeared to have been omitted.

In response, the present petition was filed on November 22, 2004, made timely by including a Certificate of Mailing dated November 18, 2004. Petitioners have submitted a postcard receipt, itemizing "9 pages of specification" as enclosed, and bearing a USPTO date stamp of March 15, 2004.

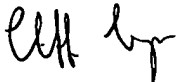
A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office.<sup>1</sup>

In view of the above, the petition is GRANTED.

Given the basis for granting this petition, the petition fee has been refunded to Deposit Account No. 22-0190.

The application is being returned to the Office of Initial Patent Examination for further processing, using the application papers filed March 15, 2004, and pages 1 and 2 of the specification as resupplied on petition filed November 22, 2004.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions

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<sup>1</sup> MPEP 503.